AN INQUIRY

INTO THE

EQUAL RIGHTS OF THE STATES,

AS TO THE

EXTENSION OR NON-EXTENSION OF SLAVERY

INTO THE TERRITORIES.

BY AN INDIANIAN.

INDIANAPOLIS:
ELDER AND HARKNESS, PRINTERS.

JULY, 1856.

ADVERTISEMENT.

The writer of the following tract was born and partly raised in South Carolina. He has always been, and still is, a Democrat, of the Jefferson and Jackson schools. The first vote he was entitled to give for President, he cast for General Jackson, in 1828; and since that time he has acted with the Democratic party.

Believing that the doctrine of EQUALITY of the States as to rights in the Territories, as stated and insisted on by the South, is bewildering and confusing a great many, he has thought it proper to pen down, and give to the public, the following tract. If it shall give any aid or assistance to any portion of his fellow citizens, the writer's end will be attained. If, however, it does neither, it will be but little time and labor that the writer will have lost; and he hopes his fellow citizens will pardon him for his impertinence in giving them his thoughts on a subject now agitating the public mind.

AN INQUIRY INTO EQUAL RIGHTS.

The people of the free and slave States differ in opinion as to the propriety of the institution of Slavery. This difference is antipodal and irreconcilable. While the people of the slave States are of the opinion that the institution is proper and desirable, and establish it by law, the people of the free States are of opinion that it is improper and undesirable, and prohibit it by law.

The Constitution guarantees to each and all of them the right to enjoy their opinions, and carry them out by legislation in their respective States.

The fact that the one adopts and retains the institution, while the other rejects and prohibits it, shows that they differ radically and irreconcilably upon the subject. As the Constitution guarantees to each the right to enjoy and act upon its views within itself, the law of comity, and of good feeling among them as different members of the same confederacy, requires that each leave the other unmolested in the enjoyment of its opinions, and unmolested in its acts under them. They differ radically, in their views, upon the subject. They should agree to differ, without either of them molesting the other on account of its opinions. Common sense and common courtesy, to say nothing of the Constitutional obligations, and the Christian law of love—forbearing one to another—suggest this as the proper course for each and all to pursue. It is the course practiced by all good citizens in their neighborhood relations. Two neighbors differ radically in their religious views. The Constitution and laws of the country guarantee to each the free enjoyment of his views, and the right to worship God accordingly. All good citizens, in such circumstances, treat each other respectfully and courteously, while each forbears to molest, disturb, or even annoy his neighbor respecting his religious views; but each, thanking God that his lot is cast in a land where he is permitted to sit under his own vine and his own fig-tree, and none dare molest or make him afraid, freely worships God according to the dic-

tates of his own conscience and judgment, and as freely accords to his neighbor the same enjoyment.

This principle of action lies at the foundation of our institutions. It is of the very essence of our political system. It is, that each citizen should so enjoy his own rights as not to infringe upon his neighbor's rights. And the same principle that is the rule as between neighbors, is the rule as between the States. All good citizens, in all the States, so regard it, and govern their action accordingly.

But, unfortunately, some citizens in both the slave and free States, do not govern their conduct by these principles. They are not content to enjoy their own rights and privileges in their own way, in their own States, but they desire to extend the blessing of their own views to their neighbors of other States, and have them to adopt them. Some in the slave States, acting thus, insist that the *blessing* of their institution should be extended out of their own State ; and some in the free States insist that the *blessing* of their views should be extended out of their own States into the slave States. Both of these are wrong. For not being content with the enjoyment of their own views, within their own territory, by endeavoring to thrust them upon others they infringe upon the rights of others—the others having the right to entertain their views unmolested. Hence I say they are both wrong. For however commendable it may be to enlighten our neighbor, and reclaim him from an error, if he has fallen into one, to attempt it in a way that molests, annoys, and irritates him, and to persist in it after he desires us to desist, is wrong, and an infringement of his rights as an American citizen.

But the large mass of the people, both in the free States, and of the slave States, are disposed to enjoy their own views, and the practices founded on them, in their own States, yielding and guaranteeing to every other State the like privileges. There is not more than one per cent. of the population of the North that is disposed to molest, disturb, or interfere with slavery in the States where it exists. These are Abolitionists in the proper sense of the term. Whether the fire-eaters of the South are a greater or less proportion of the population there, I am not sufficiently informed to say. I hope they are not greater ; while public indications would seem to say that they are.

In the Territories, however, the question presents a different aspect. They are the common property of all the States, and the citizens of all the States have, or should have, equal rights therein. This is insisted on by Southern citizens and statesmen. They contend that to prohibit the extension of

slavery into the Territories violates this equality, and is aggression upon their rights. If this is so—if the prohibition of slavery in the Territories is a violation of the principle of equality among the States, and is aggressive upon the constitutional rights of any of the States—it should not be allowed; while upon the other hand, if it is not so—if the prohibition of slavery in the Territories is not a violation of the principle of equality among the States, and is not aggressive upon the constitutional rights of any of the States—then the course of Southern statesmen is unjustifiable; and tending, as it does, very much to excite and exasperate the people of the different sections of the Union, is reprehensible.

I propose to examine this question, and see, if possible, where the truth is. For the maxim of Jackson as to our foreign policy may not improperly be applied to us as States of this Union: *Ask for nothing but what is clearly right; and submit to nothing that is wrong.*

We should be certain, however, what are our clear rights as States, and as citizens of States, before we insist on them, and say that we will not submit to any other course of policy than that we may have marked out as being our right.

Before proceeding, however, I think it proper to let the Southern gentlemen, and those who contend for their doctrine, state their own positions in their own language; because this is fair and right; and moreover, I do not wish to perpetrate the folly, or be guilty of the absurdity that is so often practiced, of combating or demolishing a position or doctrine that is not contended for on the other side, instead of meeting and combating what is contended for. Hence I lay before my readers the following extracts, which I believe are fully and fairly made, so that their contextual import can be fully seen and understood.

The States of the Union are political equals—each State has the same rights as every other State—no more, no less. The exercise of this prohibition [the prohibition of slavery in the Territories] violates this equality, and violates justice. By the laws of nations, acquisitions, either by purchase or conquest, even in despotic governments, enure to the benefit of all the subjects of the State; the reason given for this principle, by the most approved publicists, is, that they are the fruits of the common blood and treasure. This prohibition destroys this equality, excludes a part of the joint owners from an equal participation and enjoyment of the common domain, and against justice and right, appropriates it to the greater number. Therefore, so far from being a necessary and proper means of executing granted powers, it is an arbitrary and despotic usurpation, against the letter, the spirit, and the declared purposes of the Constitution; for its exercise neither "promotes a more perfect union, nor establishes justice, nor insures domestic tranquillity, nor provides for the common defense, nor promotes the general welfare, nor secures the blessings of liberty to ourselves or our posterity," but on the contrary, puts in jeopardy all these inestimable blessings. It loosens the bonds of union, seeks to establish injustice, disturbs domestic tranquillity, weakens the common defense, and endangers the general welfare by sowing hatreds and discords among our people, and puts in eminent peril the liberties of the white race, by whom and for

whom the Constitution was made, in a vain effort to bring them down to an equality with the African, or to raise the African to an equality with them. Providence has ordered it otherwise, and vain will be the efforts of man to resist this decree. This effort is as wicked as it is foolish and unauthorized. It does not benefit, but injures the black race; penning them up in the old States will necessarily make them more wretched and miserable, but will not strike a fetter from their limbs. It is a simple wrong to the white race, but it is the refinement of cruelty to the blacks. Expansion is as necessary to the increased comforts of the slave as to the prosperity of the master.

The constitutional construction of this point by the South works no wrong to any portion of the Republic, to no sound rules of construction, and promotes the declared purposes of the Constitution. We simply propose that the common Territories be left open to the common enjoyment of all the people of the United States, that they shall be protected in their persons and property by the Federal Government until its authority is superseded by a State Constitution, and then we propose that the character of the domestic institutions of the new State be determined by the freemen thereof. This is justice—this is constitutional equality.—*Toombs' Address in Tremont Temple, Boston.*

Let there be no legislative aggression on either side. Look through the records of the country, and show me a single act, from the beginning of the Government to this hour, where the South have perpetrated any aggression on the North, and I would claim it as a privilege to strike it from the statute book. Nor do I complain of any on the other side until 1820; but I do affirm that the moment when you said we should be shut out from the common Territories of the Union unless we abandoned our slave property, it was aggression. It is aggression to exclude fifteen States of this Union from the common Territories, purchased by the common blood and common treasure. We think no fair man can deny that proposition.—*Toombs' Speech in reply to Hale.*

The common property is open to the common enjoyment of all; let it remain so, and let us unite and firmly support those measures which will protect all alike in the peaceful enjoyment of their rights.—*From the same speech.*

I never contended that I desired a law to carry slavery into a Territory, and I never wanted a law to exclude it. All that I have contended for is, that the common domain of this Government, acquired by the common blood and treasure of all parts of the United States, shall be just as free to one class of citizens as to another. When the people of a Territory are in the process of approaching what may be called the maturity of their Territorial existence—a State Government—I say much is to be pardoned to the opinion which prevails at the time. But, sir, if an insulting interference were to be made by a majority of Congress, or such an interference as would exclude a slaveholder on the broad ground that he was unworthy of equality with a non-slaveholding population, do you suppose I would stay in the Union if I could get out of it? That is the true question—*Senator Butler, in the Senate.*

The distinct issue is about to be evolved between the parties in this country, on which the next Presidential election will turn, and on the solution of which the permanency of this Union depends. That issue is foreshadowed in the repeal of the Missouri Compromise, and in the enactment of the Kansas-Nebraska law. This legislation gives practical expression to the feeling and movement that is bringing about the issue, but does not accurately and fully define it. The South is about to assert and maintain its equality in the Union. The men of the South, even when they differ on the abstract question of slavery in the general, are about to say to the Federal Government, the common agent of all the States, "You shall know no difference between the property and the institutions of the South and those of the North." "Be slavery right or wrong in the abstract, you, as equal agents of slaveholders and non-slaveholders, are bound to see that it is admitted, like any other property, into all the Territories of the Union, and equally secured and protected after being so admitted." Any ground short of that is abolition—is an insult, a wrong, and a robbery of the South.—*Richmond (Va.) Enquirer, of March 11th*, 1856.

I think it may be fairly assumed that the foregoing extracts assert and maintain the following propositions:

I. That each of the States, and the citizens of each of the States, have equal political and constitutional rights in all the Territories of the Union ; because the Territories are the common property, acquired by the common blood and treasure of the Union ; and it is the duty of the Federal Government to protect all alike in the enjoyment of their rights in the Territories.

II. Therefore, the slaveholders have a right to go to the Territories, with their slaves, and the Federal Government should there recognize their property in their slaves, and protect them in the enjoyment of that right of property ; and if it refuses to do it, it is an aggression upon their equal rights, and will justify them in going out of the Union, if they can get out.

The first proposition is true ; but the second is a *non sequitur*.

We often deceive ourselves in our reasoning by not sufficiently scrutinizing the terms we use in stating our propositions. If the minor is not contained in the major, our conclusion, of course, is erroneous.

Because the Territories are the common property of the Union, all the citizens of all the States have a common right to go to, and occupy, and use them. This conclusion naturally and necessarily follows, from the premises.

But when we say that because all the citizens of all the States have a common right to go to, use, and occupy the Territories on account of their being the common property of the Union, they therefore have a right to take with them all their other property of every kind, and hold it there, we cover up a sophism by our language, and deceive ourselves without perceiving where the fallacy lies. We all have a common right to go to, and use the Territories, because they are common property, and are held by a common tenure ; but other property, which is individual property, and not held by a common tenure, stands in a different category. When we insist upon taking that private property there, and holding it as private property, we are insisting upon taking with us the law of that private property—the law establishing the tenure of that property. And here we begin to discover the sophism, and that we are using the term *property*, when we really mean *law of property*. If all the citizens of all the States have a right to go to the Territories, and take with them all their tenures of property, and be protected there by the Federal Government in their tenures of property, then the equality contended for will obtain, and the equal rights of all the citizens in all the Territories will be secured. But this leads to

an absurdity; and it is an old established principle of logic, that a proposition which results in an absurdity is untrue.

Horses, cattle, &c., are declared to be property by common law—property in them is held by a common law tenure. The true tenure dates much further back than the common law, and it is found in the 28th verse of the first chapter, and the 2d verse of the ninth chapter of the Book of Genesis; but our system of civil government derives it from the common law. We have no statute in any State, declaring and enacting that horses, cattle, &c., are property. But all the citizens, of all the States, recognize the common law tenure of property, and agree in regarding them as property. When they go to the common Territories, then, with their horses and cattle, they all recognize property in them, and respect the tenure; and this is done because the common law, which is the law of the nation as well as of all the States, establishes the tenure.

But slaves are not property by common law. Neither are they included in either of the before cited patents given to Adam and Noah and their posterity. They are only made property by municipal regulation—the law of the State. *Prigg* vs. *The Commonwealth of Penn.*, 16 *Pet.*, 539. The tenure is created by the statute of the State; and by the general law of nations, no other State or nation is bound to recognize the tenure. *Do.*, 611. The non-slaveholding States, and their citizens, are not bound to recognize the tenure, only so far as the Constitution makes it obligatory upon them to recognize it; and that is, to recognize it so far as to deliver slaves up on claim, to be taken *back* to the *State* (not Territory) they *escaped* from.

This being the case, when the citizens of the slave States claim to go to the Territories with their slaves, and to be protected in their property in them there, they claim to take with them their law of property in slaves—their tenure of slavery, and to be protected in it; which is but claiming that their municipal law of slavery be established, as the law, in the Territories. For the state of slavery is a creature of municipal law, and cannot exist without it; and to insist that the Federal Government protect it as a property right, is but to insist that the Federal Government enact the municipal law creating it.

But if *equality* requires the Federal Government to recognize and enforce, in the Territories, the municipal law of the slave States establishing the state of slavery, which their citizens may take with them into the Territories, does not the same *equality* require the Federal Government to recognize

and enforce in the Territories the constitutional prohibition of slavery of the free States, which their citizens may take with them into the Territories? It certainly does. For if the citizens of one portion of the Union have the right to take their laws on the subject of slavery into the Territories, and have them enforced there, the citizens of the other portion of the Union have an equal right to take their laws on the subject of slavery into the Territories, and have them enforced there. "Each State has the same rights as every other State—no more, no less," says Mr. Toombs. So say I. Then, if one State has a right to have its laws of slave property recognized and respected in the Territories, another State has the same right to have its laws of slave property recognized and respected there. But if Mr. Toombs' State (Georgia) and my State (Indiana) were the two States so insisting upon their rights in a particular Territory, the Federal Government would have to recognize, respect, and enforce in that Territory, a law establishing slavery, and also a constitutional prohibition of it. This brings us to an absurdity; and hence it shows that the premises are untenable. The Federal Government is not under constitutional obligations to respect, protect, and enforce, in the Territories, the laws of property of any State; for it cannot enforce all; therefore, to be *just and equal*, it must enforce none. And though all the citizens of all the States have the right to go into the common Territories, and use and occupy them, and take with them all their property, yet none of them have a right to take with them their laws of property of the States they leave, establishing the tenure by which they hold their property.

And this is in accordance with the rules of law long known and established, to wit: that a citizen or subject who emigrates and changes his domicil, leaves the law of his domicil when he emigrates, and takes the law of his new domicil when he takes his new domicil. As slavery is the creature of municipal law, and not of general law—neither of national law nor of common law—the slaveholder holds his slave by the municipal law of his State, *and by that alone.* If he migrates and goes to a Territory, he either has a right to take the law of the domicil he leaves to the domicil he goes to, or he has not. The general rule as to all "the rest of mankind" is, that when he migrates he leaves the law of the domicil he leaves, and takes the law of his new domicil. But Mr. Butler, and Southern gentlemen, insist that they shall be allowed to take with them the law of the domicil they leave, so far as it makes slaves property, to their new domicil, or else they are not "equal" with a non-slaveholding population. In the language

of Mr. Toombs, it is "aggression;" and he thinks that no fair man can deny the proposition that it is aggression. Well, if it is aggression and inequality to not allow the man from a slave State to go to the Territories and take with him (contrary to the common rule as to migration) his law of the State he leaves, making his slaves property, will it not be equally aggression and inequality to not allow a man from a free State to go to the Territories and take with him his law (or constitutional provision, as the case may be,) of the State he leaves, prohibiting slavery and involuntary servitude? "No fair man" can say but what it will. But if they both have the right to do so, and both take their respective laws with them into a Territory, when they meet they find that they have direct contradictory law there *by right*, and that each side of the contradiction is the law! This will show them, if they have any discernment, that the premises they started off upon are wrong, because they lead to an absurdity, to wit: that two contradictory laws are both the law at the same time and place!! And if they are dispassionate enough to reflect and reason about it, instead of going to fighting at once for the mastery, they will see that, as they are equals in every respect, if one has a right to bring with him his law of the domicil he has left, the other has the equal right to bring with him his law; and as this has practically led to an absurdity, they will come to the conclusion that the rule of the case, which has been long held to be the rule, that neither had a right to bring with him the law of the domicil he left, is the true rule.

Mr. Butler's and Mr. Toombs' "equality," then, is, to give the slaveholder the right to take his law of slavery to the Territories, which, if the law, puts down the law of the people of the free States; and thus they have it all their own way, and still call that "equality;" and Mr. Butler threatens to bolt the Union if he does not get "equality" as thus defined by him. And Mr. Toombs says that their construction of this point "works no wrong to any portion of the Republic," though it makes the notions of one portion of the Republic on the subject of slavery the law of *all* the Territories; while the notions of the other portion, and that "the greater number," too, is overrid and suppressed in all the Territories, while they remain Territories.

But does the fact that the opinions of the slave States as to the institution of slavery are made paramount in the Territories, "work no wrong to any portion of the Republic?" Are not the opinions of the free States as to the institution as sacred to them, and entitled to as much respect as those of

the slave States ? While the people of the slave States prefer to have the African race among them, and believe that the institution is beneficial to both races, the mass of the people of the free States prefer not to have the African race among them, and believe that the institution is injurious to the State and country where it exists. Both the race and the institution are distasteful to them. Are not their views, and opinions, and tastes in the premises, entitled to as much respect and regard as those of the people of the slave States ? If to say that the views and opinions of the people of the slave States on the subject shall not be paramount in the Territories, is aggressive, and works a wrong to them, is it correct to say that though the views and opinions of the people of the free States on the subject shall not be paramount in the Territories, it is not aggressive, and works no wrong to them? If it is, then the people of the free States have not "equality."

"Of course Ohio is ahead of Kentucky, and Illinois of Missouri, for white men are vastly superior to negroes ; but 'slavery' has nothing to do with it."—*N. Y. Day Book, of June 6th*, 1856. The people of the free States, however, think it has, and prefer that the new Territories shall be placed in the better rather than the worse condition, as exemplified by the contrast of those States.

Mr. Toombs, in his lecture in Tremont Temple, Boston, says :

> The question of material advantage would be settled on the side of slavery, whenever it was shown that our mixed society was more productive and prosperous than any other mixed society with the inferior race free instead of slave. The question is not whether we could not be more prosperous and happy with these three and a half millions of slaves in Africa, and their places filled with an equal number of hardy, intelligent, and enterprizing citizens of the superior race; but it is simply whether, while we have them among us, we would be most prosperous with them in freedom or bondage.

Whilst this indirectly admits that the slave States would be better off with the negroes in Africa, and their places supplied by whites, it insists that as they have them there they must keep them slaves. But the negroes are not in the Territories, and the whole argument to sustain that which Mr. Toombs says is not the question where they are, applies to the Territories, because the negroes are not there. The people of the free States think that it would be injurious to the Territories to let them go there. They want the "superior race" there without the inferior, which they think the better policy for the Territories ; and Mr. Toombs indirectly admits that they will be more prosperous and happy if that policy is pursued. And yet he says it would "work no wrong to any portion of

the Republic" to have this policy crushed and the opposite one placed in the ascendant.

Man is a social being. Half of his enjoyment in this life springs from society. In and upon the society around him depends most of his enjoyments or disquietudes. The people of the slave and free States differ *toto cælo* in their tastes, notions, and habits on this subject. The people of the slave States are content and enjoy themselves in a mixed society of the two races; while the mass of the people of the free States are not content and do not enjoy themselves with the black race. They prefer to be separate from them. The Abolitionists form the principal exception to this remark, but they are few and far between in the free States; while the pro-slavery men form the other and the only other exception, and they are fewer and still farther between. The mass, though, of the people of the free States prefer to be separate from the blacks, and not have them in their community either as slaves or free. They have the equal right to go to the Territories—the common property—and occupy and enjoy it in common with their brethren from the slave States, and the equal right to be consulted in determining what its population and society shall be. If the presence of the negro race is disagreeable and offensive to them, (to say nothing of the institution of slavery, which is very disagreeable to many, and in their opinion sinful and wrong,) to crowd the black race on them against their will, it would seem would be somewhat "aggressive," and would "work" some "wrong" to them. The common law has always said that if I erect and maintain a nuisance, to the annoyance of my neighbor, that I work him a wrong, and am held liable for it. If five partners acquire an estate in common, and two of them desire to place something upon it that they have and use upon their private estates, but which is something that the other three do not wish placed there, and to some of whom it would be very offensive, shall the will of the two be paramount to that of the other three? And if it is made so, is there no "aggression" any where? and no wrong worked to any one?

May I not, then, in the language of Mr. Toombs, say, that "the exercise of this" establishing of slavery in the Territories "violates this equality, and violates justice. * * This" establishing of slavery "destroys this equality, excludes a part of the joint owners from an equal participation and enjoyment of the common domain," because they will not live where negroes and slavery are if they can find any other place to go to, "and against justice and right, appropriates it to the" *less* "number. Therefore, so far from being a necessary and

proper means of executing granted powers, it is an arbitrary and despotic usurpation, against the letter, the spirit, and the declared purposes of the Constitution; for its exercise neither "promotes a more perfect union, nor establishes justice, nor insures domestic tranquility, [witness Kansas] nor provides for the common defense, nor promotes the general welfare, nor secures the blessings of liberty to ourselves or our posterity," but on the contrary, puts in jeopardy all these inestimable blessings. It loosens the bonds of union, seeks to establish injustice, disturbs domestic tranquility, [*vide* Kansas] weakens the common defense, and endangers the general welfare by sowing hatreds and discords among our people, and puts in imminent peril the liberties of the white race, by whom and for whom the Constitution was made, in a vain effort to bring them down to an equality with the African, or to raise the African to an equality with" the free, white, enterprizing, and intelligent citizen laborers. "Providence has ordered it otherwise, and vain will be the efforts of man to resist this decree. This effort is as wicked as it is foolish and unauthorized." And "I do affirm that the moment when you said we should be shut out from the common Territories of the Union unless" we agreed to live among negroes and in the midst of the institution of slavery, "it was aggression. It is aggression to exclude" *sixteen* "States" and two-thirds of the entire white population "of this Union from the common Territories, purchased by the common blood and common treasure. We think no fair man can deny that proposition."

The whole of Mr. Toombs' constitutional argument, by substituting in it *establishing* for *prohibition* of slavery, is equally pertinent against him and his side of the argument.

The truth is, the Constitution only guarantees to the States their rights to determine for themselves their institutions within their own territory. It does not guarantee that any institution a State may have shall be taken into the Territories. As to the Territories, the Constitution gives to Congress the *power* to "make *all* neeeful rules and regulations;" and that is all that is said in the Constitution on the subject. If any rules are needful to be made on the subject of slavery, in the Territories, Congress has to make them, and no other body, unless she *can* and *do* delegate to it the power. And if no "rules" are made there on the subject, slavery will not exist there; for it takes a "rule" to create it in a place, and that a special rule, too. The general "rule" forbids it. So does the general sense of civilized nations.

If Southern gentlemen insist that it is "needful" to make a rule on the subject, in the Territories, the people of the free

States certainly have a right to determine for themselves what is the needful or proper rule to make. And their exercising their judgment in the premises, is no more aggressive, or a just ground of offense to the people of the slave States, than is the exercising by the people of the slave States of their judgment in the premises, aggressive, and a just ground of offense to the people of the free States. And as it is a question upon which we differ totally and radically, and there is no middle ground to occupy, the only rational way of arranging the difficulty would seem to be to divide the territory equitably and fairly, in proportion to the free whites who entertained these different views. This the Missouri Compromise undertook to do ; and, as it is an exciting subject, all good citizens acquiesced in that arrangement for the sake of peace. The compromise measures of 1850 proceeded on the same principle of peace, and of quieting the public mind, and were insisted on, at the time, as being a "finality" upon the exciting subject. The Democratic party, in its National Convention of 1852, pledged itself to the nation to "resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt might be made." The Whig party, which met soon after, made a like pledge. They were the great parties of the country, and they so pledged themselves to assure the country that the subject was *finally* arranged and disposed of, and that they would not allow the Pandora's box to be again opened.

"Whom the gods intend to destroy, they first make mad."

This is claimed as an oracle from a heathen, while I am of opinion that the idea was borrowed from a divine source, through the prophet Jeremiah. But it is a truism, come from what source it may, and seems to apply here.

These pledges were not eighteen months old until they were violated, at the instance of Southern men, by introducing provisions in relation to slavery, into the Kansas-Nebraska bill, by which the Missouri Compromise was repealed, and the ultraists on the two sides of the question, invited to the plains of Kansas to settle the question of slavery in the Territory for themselves ; who very naturally, (as it is a question you cannot arrange by argument,) went to contending at once for the mastery, resulting in a now begun civil war.

This was the extreme of madness and folly. *It will prevent slavery from being extended into Kansas, or any other Territory.*

For as it cannot constitutionally go there without the assent of the free States, or of a portion of them, this breach of

compromises on the subject, and of good faith, both of party faith and of public faith, and the claiming by the South of all the Territories, instead of being satisfied with that portion assigned them by compromise, should induce, and will induce the people of the free States to act upon their own judgment as to the *propriety* of extending slavery into the Territories. If they do so, as a matter of course, the question may be considered as settled against the further extension of slavery. The sooner the slave States are fully aware of this—that this is, and will be the result—the better for them. For they say that expansion is necessary for them—for both the black and white races—and that "it is the refinement of cruelty to the blacks to pen them up in the old States." Mr. Toombs further says: "The condition of the African (whatever may be his interests) may not be permanent among us; he may find his exodus in the unvarying laws of population."—(*Address in Boston.*) They therefore should look the matter calmly in the face, and make arrangements for this exodus to *Africa*, instead of to the *Territories.* The mass of the people of the free States, having rid themselves of the race, conceive that they have rid themselves of the responsibility of their retention or exodus; yet they would cheerfully aid their brethren of the slave States in effecting such exodus to Africa as they might devise, consistent with humanity. But they do not desire to deliver the territory of this continent to the "inferior race," and they will not consent to its being done. They want it for the "superior race." It is the work of wisdom, then, for the people of the slave States, instead of insisting upon rights that the Constitution does not give them, and thereby endangering this happy Union, to set themselves, in good faith, to the adoption of measures that will look to the "expansion" of the black race in Africa, rather than into the Territories of this Union.

By disturbing the "finality," and "renewing in Congress the agitation of the slavery question," Southern gentlemen have closed the door against the further extension of their institution into the Territories, let the Presidential election of this year result as it may. And if this want of expansion shall prove the death-knell of their institution, they can justly blame no one for it but themselves. Their course, policy, and doctrines are suicidal, and *they* seem to be demented. Therefore the before cited maxim seems applicable, and shows that the Divine Mind is preparing the way for that exodus of which Mr. Toombs speaks.

Note.—After the foregoing was sent to the printer, the se-

cond volume of Benton's *Thirty Years in the Senate*, came to the hands of the writer. He found therein, at page 696 *et sequitur*, views expressed similar to some of those expressed in the foregoing tract. While he is glad to find his views sustained by so high authority as that of Senator Benton, it is due to the writer that he should state that he had no knowledge that such was the fact, until after the foregoing was written. The writer first advanced the substance of these views, nearly two years ago, in a letter to a friend in Texas, which was published there.